

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 20 2020 ★
LONG ISLAND OFFICE

Plaintiff,

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

YES 2 NO

Nassau County Jail et. al.

NU Health et.al.

Vera fluid

RECEIVED

MAR 23 2020

EDNY PRO SE OFFICE

1. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Francesco Marchese

If you are incarcerated, provide the name of the facility and address:

Downstate Correctional Facility

Box F

Fishkill, NY. 12524

Prisoner ID Number: 19A4427

If you are not incarcerated, provide your current address:

Downstate Correctional Facility
Box F
Fishkill, NY. 12524

Telephone Number: _____

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

NU Health et al.
Full Name

Job Title

100 Carman Ave East Meadow, NY. 11554

Address

Defendant No. 2

Nassau County Jail et al.
Full Name

Job Title

100 Carman Ave. East Meadow, NY. 11554

Address

Defendant No. 3

Vera Hudd
Full Name

Sheriff of the Nassau County Jail
Job Title

100 Carman Ave. East Meadow, NY. 11554

Address

Defendant No. 4

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? Satellite Dorms E2D
ELG, 72 block D of the main Jail, at 100 Carman Ave.
East Meadow, N.Y. 11554 (Nassau County Jail)

When did the events happen? (include approximate time and date) Between the dates
of 07/26/19 - 12/12/19

Facts: (what happened?) During my stay at the Nassau County Jail located at 100 Corman Ave. East Meadow New York there were many infractions upon my Civil Rights violating the Constitutions Amendments. I was medically neglected for some pre existing symptoms, medical malpractice took place when several LPN's were unable to tap a vein for blood work after several attempts missing struck and punctured an area resulting in nerve damage of my right forearm into the palm of my hand, violation of HIPPA laws as Correction officers were present during every interaction with medical staff, I was not given adequate time in law library, subjected to cruel and unusual punishment as well as mental, verbal abuse etc. (See attachment) From 7/26/19 - 12/12/19 we were even forced to clean up sewer backage covering the whole dorm floor.

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

(See attachment for punitive Damages) No treatment was assessed properly and little to no treatment was given other than muscle relaxers, antibiotics, blood pressure medication & allergy medication. As a prisoner the only way your going to a hospital or seeing a specialist is if the circumstances are of extreme

12/18/19

: Amendment Violations:

of
1

8th) Jail Conditions &
unsanitary Prison Conditions
amendment
Chapter 15:

42 USC 1983 &

42 USC 1331

Obtain relief from violators of
Federal Law

8th
14th
amendment

Right to Adequate medical care
Medical Malpractice
Negligence

1st
6th
14th
amendment

Access to the Courts, legal assistance, Law library

Chapter 3: Right to learn the Law, library access, go to court

: Specific Parties : Including but not limited to:

NU Health, ET. AL

LPN. ET. AL

Corporal ~~XXXXXX~~ Gonzalez

Corporal Simpson

Officer Mr. Simpson

Officer Weil

Nassau County Sheriff's department ET. AL

Officer Rocco

Officer Nolan

Officer Barbara

Sheriff Vera Fludd

Officer Chapel

NU Health Doctors et. AL.

12/18/19

Complaint: (Attachment)

of 6

I being Francesco Marchese depose that the following has occurred, The under sheriffs department Nassau County Jail cated at 100 Carman Ave East Meadow, NY. 11554 has failed to comply with multiple Federal and state laws resulting in violations of the United States Constitution on behalf of myself as an inmate during my residence there. 7/26/19 - 12/12/19 (4)

A: Prison and Jails Cleanliness & Conditions (8th) Amendment

The Nassau County Jail fails to provide adequate cleaning supplies as well as a strong regime to maintain healthy living conditions, for example clean mop heads & enforcing shower clean up, resulting in Filthy 72 blocks cells, disgusting toilets and walls, infested dorms and cells with rodents and bugs roaming freely during the night and day. The 72 blocks cells have bodily fluid all over the walls & toilets, rancid odors of Ammonia etc emanating constantly stains everywhere, rusting, peeling walls and toilets, Fungus in the showers. The Satellite dorm tho slightly better are still not up to code, Black & Green mold in the cells so strong it can be smelled, (specifically I was on D Block in the 72 - they are all the same in the Main Jail - and in Satellite I was in E2D2 & E1G19, 14) the mold is also clearly visible, the Showers are caked with mold and Thousands of flies. The ventilation systems aren't cleaned or flushed, the water fountain can't be used its so dirty which created more problems when the sink in the cell didn't drain or squirt heated or cold water, black residue clogs the sink, Some of the stop sinks or ones by the more barely work as well, toilets back flushing from your neighbors. Walls and toilets with what appear to be blood, urine, excrement and ejaculation on them. Roaches & ticks in the Dorms and cells, lasting constant air conditioning until almost Thanksgiving in the cells and Dorms when only provided one sheet and blanket with no socks, T-shirts, underwear etc, and no pillow. Cells without any heat what so ever coming from the vents in the Dead of winter which when for whatever reason your locked in your cell for many hours on end turns into a mini icebox. You are not allowed extra blankets or sheets and possession is a violation, if discovered during a search will be taken from you regardless of the reasons. Lice & rats come out after lights out and come into the cells, there's so droppings and an abundance of spiders as well coming out at night

You are not allowed to block the bottom of your door with anything to try to prevent rodents from coming in either and such action will result in a lock in until the officers decide otherwise without even a ticket or disciplinary action investigation. The water tastes funny and at times has yellow discoloration which possibly may have contamination. There aren't any thermostats either in the dorms so no way to tell what the actual temp. is other than numb toes and hands. You are also forbidden to take any disinfectants back to your cell if even available which most time are not especially for the hair and nail clippers.

All of these above reasons are major concerns that need be addressed for obvious health concerns as well as clear violations of Constitutional law.

art)

B: Medical Care (8th, 14th) Amendment

The Medical company NU Health implemented by Nassau County Jail is in clear violation of HIPPA Laws as well as other constitutional statutes, and Medical Malpractice. Upon my first few days of intake while they were attempting blood work it took three members of the medical staff two attempts each to set up an IV line (as I was also being treated for dehydration) for a total of six punctures to my right forearm leaving bruises from them fishing around in my arm for the vein and nerve damage to the inside of my right forearm up into my hand starting at the elbow where she missed and poked something she shouldn't have possibly a tendon, joint or the ligament. I do not and have never done intravenous drugs so my veins are clearly visible and easy to find, never in my life have I had any other medical professionals have such difficulty, after the IV was set up the third nurse turned away and walked thru the line pulling it from my arm sending blood everywhere and leaving a valve blown. Weeks later when I was complaining and filling out "sick calls" to see the doctor some where ignored and when I finally did see a doctor he said it should go away, the next one said let me see what kind of test we can do and never got back to me before I was moved. When I became sick with I don't know what because I was never given a diagnosis, it took almost two weeks and multiple sick calls to see an LPN and get antibiotics for what seemed like a head cold with chest congestion and a sinus

infection. I still have the nerve damage and the sinus problem, needless to say the doctors and LPNs that see and treat you regardless if you have a life long issues like eczema (which I do) and have previously been seen diagnosed and treated by other physicians on the outside will ignore what ever you say and come up with their own prognosis and treat it now they see fit, half the time their not even listening or talking over you. There is also no doctor patient confidentiality, when you are seen by an LPN, Dentist, Doctor or Mental Health professional a Correction Officer is either right in the room or just outside the 4 feet away in the doorway staring at you and can hear everything that is said remaining in view of you for the whole visit, same goes for "Hospital runs." It is also extremely difficult to record exact events and personnel for a few simple reasons; pens and paper must be bought from commissary and the pens barely work, if you ask an officer the answer will be NO or they don't have any, no copies of sick calls or prescriptions are given and a prescription for something as simple as Motrin or Hydrocortisone cream is required, even a throat lozenge requires one which could take a week or more causing symptoms to worsen into a more developed problem. Medical Staff wear their ID badges backwards so no name, picture or credentials can be seen, if you stare too hard attempting to read what's there you will be forced to lock in without medication, if you ask for a name an officer who is standing next to the LPN distributing medication will tell you be quiet or lock in its none of your business, if you miss your medication for any reason that's it for the night, inmates are lined up behind you while you get your medication as well. The attitudes of most of the medical staff is also extremely unprofessional and show aggression often for no explicable reasons. The responses and time frames for which "Sick calls" are neglected is simply unacceptable by any Medical Profession standard, and the fact that officers talk to each other and inmates about what they see and hear during medical visits is appalling to say the least especially when jokes are made. JV Health needs to be under investigation not just for its negligence or malpractice but its billing system as well since tax money is supposed to cover inmates costs and basic needs.

rt) C:

Law Library and or Legal Assistance

r. of 6

(1st
6th
14th) Amendment

The Law Library is only available for a 45 min interval once per week, unless you get a court order because you have already gone Pro Se on your case you will get extra days but are not guaranteed. Many times you just won't get called to go and miss those days whether it's your day to go or an extra one. There is no copy machine in Law Library, important pages containing crucial information pertaining to cases or addresses where legal work must be mailed are torn out. Important books for an inmate to be aware of his rights to Criminal Procedure law are if dated or unavailable, half the library is off limits unless granted access and it's the side where the computers are.

Inmates are very often refused the right to go to a court date, they are told they were scratched for no apparent reason or they report you as sick and tell the courts such as say they had an incident and had to lock down the whole jail. An investigation of the officers and jails conduct must be investigated, these incidents have happened to me personally.

rt) D:

Sheriff's Responsibilities Care / Custody / Control

(1st
6th
8th
14th) Amendment

Most Nassau County Correction Officers fail to provide inmates with adequate attention if any at all unless it is a negative force of response, or some smart alec condescending one as if it's a game to them and every inmate is there for hilarious crimes and we are all equal pieces of disposable garbage. Most of the officers are flat out lazy, rude, over paid, dismissive and arrogant to say the least. Simple things like asking for a grievance slip you're told "no", "not now", "we don't have any", "come back later" or "what's it for" and they aren't supposed to ask. What time is it gets you a wise remark or told a completely different time than what it is. Pressing your luck for a request gets you a "lock in", (an undetermined time locked in your cell until the officer sees fit to let you out) when there is a protocol for such actions as reprimanding inmates for behavior infractions.

Inmates are constantly threatened by "lock in" or other things such as tickets and loss of commissary, when it's time to "lock in" after meal time which is referred to as "the feeding" or rec times you're told not to miss your gate and they purposely try to catch you outside your gate or close it on your physical body for entertainment purposes. Gates are "racked" or slammed in increments of three times or more for every possible reason they can just out of laziness; in the morning to wake you for the count, for breakfast, to "lock in" after breakfast, for the next count, to "lock in" after Recreation periods, for lunch, to "lock in" after lunch, for the next count, for dinner, to "lock in" after dinner, for the final count. There are three recreation periods per day when this is done, if there's an issue anywhere in the dorm or jail i.e. smoking or a fight, the gates are slammed 3-5 times and there are 52 gates doing this at once, the gates are also closed during meals, the gates are opened and closed every half hour when we are out for recreation, close to 100 times a day they are opened and closed and it's loud. The lights are kept off in the cells all day long you sit in your cold cell with no lights and no controls, then at night they are kept on until morning hours, during the night officers walk by every 30 or 15 mins with led flashlights and beam you in the face waking you and come in and exit thru the emergency door slamming it making it impossible to sleep, when it's time to wake up at 5am they turn the bright Halogen lights on blinding and hurting your eyes right before slamming the gates 5 times causing you to jump awake with your nerves rattled and you have only seconds to get to your gate depending on your proximity to where the officer begins his walk around, if you don't make it you don't come out causing other working inmates to bring your food to you, if you're in a special program like "DAFT" you will be ejected from that program and dormitory. The inmates serve your food with no hair nets, face or spit guards and walk away from officers view with your food if you're locked in to bring it to you, mind you some of these individuals that are workers are greedy and are extreme drug addicts with poor behavior and communicable incurable blood diseases that are easily transferrable through saliva and blood. The inmates doing the work are inconceivably in total control of food distribution and decide where any extra trays go when the officers should see, the inmates also have to fend for themselves so to speak

when it comes to the phones and often time this is how and where fights begin. I personally have had to fist fight to defend my food and use the phone when another inmate tried to deny either to me, sadly to say. Officers often times don't see anything because their too busy chatting, eating, taking naps or relaxing in the "bubble" or command center at the end of the dorm. They rarely resolve any issues and when they do its usually by coming in and spraying mace on peoples faces even if you werent the person to start a inflict which results in everyone "locking in" and paying for another persons actions. The officers are supposed to be out at the desk in the dorm at all times to reduce incidents and allow inmates to come out at designated times safely, instead they make excuses why you cant come out like the radios are down or theres no corporal in the "bubble," or were understaffed, or because their eating their meals on our time.

The officers at the Nassau County Jail clearly abuse the authority bestowed upon them and mentally as well as sometimes physical abuse inmates which is illegal as per civil rights of the United States Constitution, even mail is withheld for almost two weeks another Amendment violation and so is not allowing phone use to contact the outside world and should be investigated immediately and thoroughly. Simple things that are mandatory such as 2 free envelopes, paper, pen etc. are denied to inmates as well as clothes, this isnt a third world country run by a dictatorship its the United States of America and the constitution protects our rights to civil liberties against these unlawful immoral injustices. People in authority are supposed to protect others not neglect their duties or take out personal vendettas against individuals, or using tactics like telling other inmates to get away from the "bubble" and not to ask for anything, or if you need something ask another inmate, threatening inmates with consequences for things that arent even in the handbook. If officers also would like to consult inmates individually about a particular incident it should be done privately not in front of the entire dorm so that problems between inmates arise, it seems as officers are all about causing more problems to get some action going in the dorms. Toilet paper isnt even handed out for up to 10 days at times causing you to use articles of clothing you purchased or had mailed in, and officers often times wear scarfers to cover their name tags, dont wear them or have a black and over that area preventing you from affording the necessary information to make a report.

nature such as broken bones, lacerations etc.
I was also transferred before I could continue to
complain past the 2 months I had already done so

III. Relief: State what relief you are seeking if you prevail on your complaint.

10 million Dollars
\$ 10,000,000.00

I declare under penalty of perjury that on 12/23/19, I delivered this
(date)
complaint to prison authorities at Downstate Correctional Facility to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/20/19

[Signature]
Signature of Plaintiff

Downstate Correctional Facility
Name of Prison Facility or Address if not incarcerated

Downstate Correctional Facility
Box F

Fishkill, NY 12524
Address

19A4427
Prisoner ID#

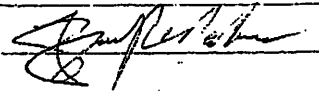
Punitive Damages: (Attachment)

Page 1

As a result of being subjected to bright lights directly in my eyes, loud noises all day and night, being under constant threat of physical harm or punishment, poor nutrition, long periods of solemn confinement, medical malpractice and neglect, mental abuse, light deprivation and cruel unusual punishment, verbal abuse and unhealthy unsanitary living conditions I am seeking punitive damages but not limited to:

light sensitivity, sleeplessness, Hypertension, Insomnia, Paranoia, depression, night terrors, trouble focusing, (worsening back, skin, anxiety conditions), loss of appetite, acid reflux, malnutrition, weight loss, trouble digesting, constant loud ringing of ears, PTSD, nerve damage, shaking hands, panic attacks, muscle spasms, severe twitching, shortness of breath, trouble breathing, nerve sensitivity, gurd, vertigo, shoulder pain, boils, numbness of fingers, tricks of light, deteriorating eye sight, foot fungus, constipation, trouble urinating, Chronic Migraines, tremors, ED (erectile dysfunction), TMS (lock jaw clicking), Arthritis, pinched nerves, Germaphobia, geraphobia, Staph infection, nervous ticks, gastritis, Pain and suffering, muscle deterioration, fatigue, chronic headaches, arachnaphobia, gynecomastia, alapedia, nervousness, tooth decay, chronic sinus infection, sinusitis, chest pains, diarrhea, IBS, chronic cough, hypersensitivity, Incontinence, and haphophobia.

12/18/19
ETC, Plaintiff
Francesco Marchese



UNITED STATES DISTRICT COURT

for the

Francesco R. Marchese

Plaintiff/Petitioner

Nassau County Jail

NK Health

Defendant/Respondent

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at: Downstate Correctional Facility.
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated: If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) _____

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

NONE

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

Lexus car loan monthly payments \$750.00
3 years remaining

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support: _____

NONE

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

\$750.00 Monthly car loan to Santander
3 years remaining

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 12/20/19

Francesco Rosario Marchese
Applicant's signature

Francesco Rosario Marchese
Printed name

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PRISONER AUTHORIZATION

Case Name: Francesco R. Marchese vs. Nassau County Jail
(Enter full name of plaintiff(s)) (Enter full name of defendant(s))

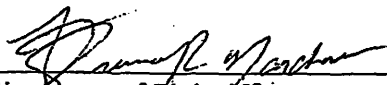
Docket Number: -CV- ()
(Enter the docket number if available; if filing with your complaint, leave blank)

The Prison Litigation Reform Act ("PLRA" or "Act") amended the *in forma pauperis* statute (28 U.S.C. § 1915) and applies to your case. Under the PLRA, you are required to pay the full filing fee when bringing a civil action if you are currently incarcerated or detained in any facility. If you do not have sufficient funds in your prison account at the time your action is filed, the Court must assess and collect payments until the entire filing fee of \$350 has been paid, no matter what the outcome of the action.

SIGN AND DATE THE FOLLOWING AUTHORIZATION:

I, Francesco R. Marchese (print or type your name), request and authorize the facility/institution or agency holding me in custody to send to the Clerk of the United States District Court for the Eastern District of New York, or, if this matter is transferred to another district court, to the Clerk of the transferee court, a certified copy of my prison account statement for the past six months. I further request and authorize the facility or agency holding me in custody to calculate the amounts specified by 28 U.S.C. § 1915(b), to deduct those amounts from my prison trust fund account (or institutional equivalent), and to disburse those amounts to the United States District Court for the Eastern District of New York. This authorization shall apply to any facility or agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my *in forma pauperis* application may be decided.

I UNDERSTAND THAT BY SIGNING AND RETURNING THIS NOTICE TO THE COURT, THE ENTIRE COURT FILING FEE OF \$350 WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY PRISON TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.


Signature of Plaintiff

12/20/19
Date Signed

Prisoner I.D. Number(s) 19A4427

Name of Current Facility Downstate Correctional Facility

Dear sir/madam,

Affidavit (IFP) pursuant to 28 U.S.C. § 1915

I Francesco Marchese an Indigent inmate of the state of New York request my fee be waived and that my claim be proceeded in forma pauperis against (et. al) Nassau County Jail. As I am currently housed in the Downstate Correctional Facility in Fishkill, NY building 3H22 Din #: 19A4427. Thank you for your prompt attention to this matter.

Sworn to before me this

24 day of December 2019

J. Carmichael
Notary Public

notary

12/18/19

Etc, *[Signature]*Plaintiff,
Francesco Marchese

Damages Case Citations

Bounds v. Smith, 430 U.S. 817 (1977)

Casey v. Lewis, 43 F.3d 1261 (9th Cir. 1994)

Citlak v. Nassau County Medical Center, 828 N.Y.S.2d 912 (N.Y. App. Div. 2007)

Hankins v. Nassau Cnty. Jail, 17-CV-07259(JS)(ARL) (E.D.N.Y. June 6, 2018)

Lederer v. Nassau County Dept. of Corrections, 122 A.D.2d 251 (N.Y. App. Div. 1986)

Manginaro v. County of Nassau, 221 A.D.2d 603 (N.Y. App. Div. 1995)

Manginaro v. Nassau County Medical Center, 123 A.D.2d 842 (N.Y. App. Div. 1986)

Seldin v. Nassau County Medical Center, 94 A.D.2d 701 (N.Y. App. Div. 1983)

Walia v. Nassau County, 303 A.D.2d 402 (N.Y. App. Div. 2003)

Walia v. Nassau County, 61 A.D.3d 853 (N.Y. App. Div. 2009)

DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES
STATE

MORIAH SHOCK INCARCERATION CORRECTIONAL FAC
P.O. BOX 901, 75 BURHART LANE
MINEVILLE, N.Y. 12956-0901

NAME: Francesco R. Marchese DIN: 19A4427

MORIAH SHOCK

NEOPOST

03/16/2020

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CORRECTIONAL FACILITY



ZIP 129
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U.S. DISTRICT COURT
N.Y.

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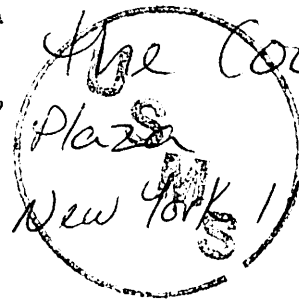
MAR 23 2020

LONG ISLAND OFFICE

Clerk of the Court

100 Federal Plaza

Central Islip, New York 11722-4438



Legal Mail

Legal mail

INTEGRATED COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM

NAME: Francesco R. Marchese DIN: 19A4427



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